

## **REMARKS**

Reconsideration of the present application is respectfully requested. Claims 1, 13, 16 and 27 have been amended herein, and claims 1-35 remain pending. Claims 1, 16, and 27 are independent.

In the Office Action, the Examiner rejected, pursuant to § 103(a), claims 1-35 as being unpatentable over United States Patent No. 6,141,653 to Conklin (hereinafter "Conklin '653") in view of United States Patent No. 6,711,549 to Loeb *et al.* (hereinafter "Loeb '549"). Applicant respectfully submit that none of these references, when properly considered in singular or in combination, disclose each and every limitation recited in the pending claims, or teach or suggest the present invention as offered.

In effort to further distinguish the present invention from the cited references, Applicant has amended all of the independent claims. In particular, claims 1, 13, and 27 have been amended to recite a computer network system including a computer program and hardware, which enable a user at a first location to negotiate the sale of an item, receive a computer readable medium (i.e., a delivery service tracking label), affix the medium to the item, and deliver the item to a second location where the item is read and delivery is indicated to the user at the first location.

The present invention can be utilized, to enable any consumer to return a purchased item by first negotiating the refund value, and then obtaining a medium for tracking the delivery of the item at the locus of and within a maximum period from the negotiation. For example, a cellular phone purchaser can utilize the present system to return the phone to the manufacturer, by negotiating a refund price, and receiving a Federal Express tracking label at the locus of negotiation within five minutes of achieving the sale. At the destination the label is read

and a delivery indicator is inputted into a database accessible by the purchaser. The benefits of the present invention, include among other things, increasing user confidence that control of the specific item is not lost once he or she places it in transit.

In Conklin '653, the invention discusses "the creation of one or more sponsored communities of any number of types for conducting iterative negotiations over a network" (col. 18; lines 38-40). In an in-depth disclosure, the invention focuses on many aspects of a three-party, i.e. sponsor, buyer and seller, sales network, but fails to disclose or teach a user-controlled system for negotiating the sale *and tracking the delivery of* an item across the network. More particularly, Conklin '653 does not disclose the provision of a computer readable medium for affixing to an item, and the tracking of that item by the user.

Loeb '549 discloses a method of accelerating delivery of magazines to a new subscriber. The invention includes a database fulfillment center and central controller that communicate with a plurality of printing houses to determine the most efficient delivery schedule for delivering an item, i.e. a magazine. While Loeb '549 discloses a system that "further tracks the delivery of issues in response to a new subscription order to ensure that delivery of currently available issues is continued until the new subscription enters the regular fulfillment schedule" (col. 2: line 16-33), it does not disclose or teach *user-controlled tracking* of the item in transit. Loeb '549 does not disclose the reading of a computer generated medium at the point of destination, but instead specifically utilizes the "United States Postal Service" addressing standards (col. 10: line 3-5). As such, the system disclosed in Loeb '549 fails to account for lost or otherwise undelivered magazines, which is an addressed concern of the present invention. Loeb '549's discussion pertaining to printing house and fulfillment center

delivery date comparisons further clarify a focus towards each magazine issue, rather than each individual copy of the magazine issue in transit.

Thus, like Conklin '653, Loeb '549 fails to disclose or teach the reading of a medium at the point of destination and the indication of such delivery at the point of entry, and as such, fails to teach each and every claim limitation of the present invention. Even if Conklin '653 and Loeb '549 did disclose every claim limitation, there is no motivation to combine the references.

As previously mentioned the claims have been amended to further distinguish the present invention from the prior art references of record. Claim 1 now recites "a computer program", which further distinguishes the claimed invention from references that may rely on multiple computer programs from different websites to accomplish the overall functionality of the present system. Claim 1 also adds the limitation of receiving input from "one of a plurality of users" and "a plurality of accessible network locations." These amendments are also not disclosed by the cited art.

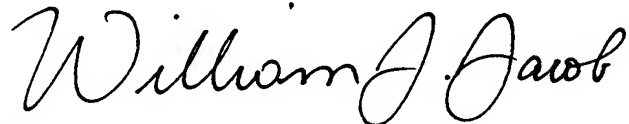
Claim 16 now recites a "maximum" period for generating the readable medium, and the limitation of "reproducing and attaching the medium to the item at the first location." Claim 27 now recites limitations towards providing a medium having computer readable codes at a first location, reading the codes at a second location, and making accessible a delivery indicator at the first location. Finally, claims 2-12, 14-15, 17-26, and 28-35 depend from claims 1, 16, and 27 and are therefore also amended as previously discussed. Each of these dependent claims recites additional limitations.

Therefore, the present application should now be in condition for allowance and such allowance is respectfully requested. Should the Examiner have any questions, please contact the undersigned at (816) 204-6430 or [wjj@jacobluc.com](mailto:wjj@jacobluc.com).

Respectfully submitted,

SHIPLEY LAWSON & JACOB, LLC

By:

A handwritten signature in black ink that reads "William J. Jacob". The signature is written in a cursive style with a large, stylized "W" and "J".

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